

PCT
JC20 Rec'd PCT/PTO 20 MAR 2002

PATENT
0020-863P

#12

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: NAKADA, Tatsuo et al. Conf. No.: 57
SERIAL NO.: 09/831,598 GROUP: Unassigned
FILED: May 11, 2001 EXAMINER: Unassigned
FOR: AZEOTROPIC COMPOSITION OF 1,1,1,3,3-
PENTAFLUOROPROPANE AND 1,1,1-TRIFLUORO-3-CHLORO-2-
PROPENE PROCESS OF SEPARATION

**SECOND PETITION UNDER 37 C.F.R. 1.181 REQUESTING ACKNOWLEDGMENT
OF EARLIER DECLARATION FILING DATE**

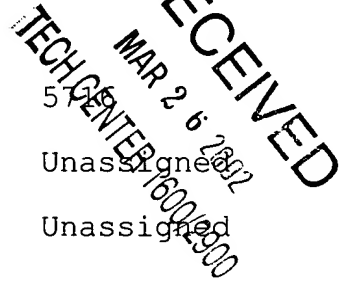
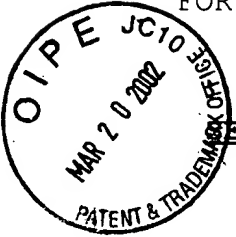
Honorable Commissioner of Patents
Washington, D.C. 20231

March 20, 2002

Sir:

This is a Petition under 37 C.F.R. § 1.181 to correct the records of the present application to correctly indicate that the present application has a 35 U.S.C. § 371 requirement receipt date of June 6, 2001, as well as a request to confirm that the present application has a priority date of November 13, 1998 (11/13/1998).

First, enclosed herewith is a USPTO Communication dated November 2, 2001 that issued in connection with this application and states that if an appropriate Petition is filed submitting a copy of the postcard receipt confirming the earlier filing of the Declaration/Power of Attorney form on June 6, 2001, then this date would be inserted into the official records of the U.S.P.T.O.



Second, enclosed is a copy of a Petition filed on December 4, 2001, submitting the postcard receipt such that the records of the U.S.P.T.O. should have been corrected to indicate the 371 date as being June 6, 2001.

Third, enclosed is a copy of a Notice of Acceptance of Application dated January 15, 2002 that still indicates the incorrect 371 receipt date of July 17, 2001.

Fourth, enclosed is a copy of a Request for a Corrected Notification of Acceptance dated February 11, 2002 that again requests that the 371 date be corrected to June 6, 2001.

It is additionally requested that the Notice of Acceptance be corrected to indicate that the Priority Date is --11/13/98-- that is simply missing from this Notice.

It appears that the above-requested corrections to the record are very clearly supported by the record and should be accepted.

If any additional questions arise concerning these matters, please contact Applicants' representative, Andrew D. Meikle, in the Washington Metropolitan area at the telephone number listed below.

It is submitted that no fees are required for the filing of this Petition, since these errors all occurred on behalf of the mistakes by the U.S.P.T.O.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *Andrew D. Meikle* #36,623
Andrew D. Meikle
Reg. No. 32,868

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

ADM:bmp

Enclosures: USPTO Communication of November 2, 2001
Stamped postcard return receipt dated June 6, 2001
Notice of Acceptance of January 15, 2002
Request for Corrected Notice of Acceptance
Dated February 11, 2002
First Petition Requesting Acknowledgement of
Earlier Filing Date dated December 4, 2001

NOV 02 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

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DOCKETED
Petition
1-2-02

Birch, Stewart, Kolasch & Birch, LLP
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of NAKADA et al
U.S. Application No.: 09/831,598
Int. Application No.: PCT/JP99/06255
Int. Filing Date: 10 November 1999
Priority Date: 13 November 1998
Attorney Docket No.: 0020-4863P
AZEOTROPIC COMPOSITION....

COMMUNICATION

This is in response to applicants' "Letter Submitting Additional Documents for Entering National Phase For a PCT Application" filed 06 June 2001 and "Letter" filed 17 July 2001.

BACKGROUND

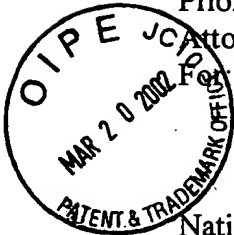
On 10 November 1999, applicants filed international application PCT/JP99/06255, which claimed priority of an earlier Japan application filed 13 November 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 25 May 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 02 June 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 May 2001 (13 May 2001 was a Sunday).

On 11 May 2001, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 June 2001, applicants filed a letter which states that it is accompanied by an executed declaration.

On 06 July 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 July 2001, applicants filed a letter which states that it is accompanied by a copy of the declaration purportedly filed on 06 June 2001.



DISCUSSION

A review of the application file indicates the absence of any declaration filed on 06 June 2001. The declaration filed 17 July 2001 is in compliance with 37 CFR 1.497 and thus is a proper response to the Notification of Missing Requirements mailed 06 July 2001.

CONCLUSION

Based on the 17 July 2001 filing date of the declaration, the application has a date under 35 U.S.C. 371 of 17 July 2001. If applicants believe they are entitled to an earlier date, a response to this communication must be filed within TWO (2) MONTHS from the mail date of this letter. A proper response would be a petition under 37 CFR 1.181 to treat the declaration as having been filed on 06 June 2001 along with a copy of a stamped return postcard receipt. No petition fee is due.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

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Papers Filed herewith on: June 6, 2001 4/9
DOCKET NO.: CO20-4863 P
APPLICANT(S): NAKADA, Tatsuo et al.
APPL. NO. 09/831,598 FILED: MAY 11, 2001
PAT. NO.:

DOCKET NO. CO20-4863 P

- ☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.53(d) (CPA)
☐ Filing Under 37 CFR 1.114(RCE)
☐ Specification Consisting of: _____ pages
☐ Combined Declaration & Power of Attorney
☒ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
☐ Completion of Filing Requirements, PCT/DOCS/905
or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment:
☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
☐ Response
☐ Information Disc Stmt. PTO-1449(s) _____ rel(s)
☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal
FEES: 40.00
☐ Letter: _____
☐ Other: _____

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: _____
Handcarry: _____

Papers Filed herewith on: June 6, 2001 50
DOCKET NO.: CO20-4863 P ATTY: ADM
APPLICANT(S): NAKADA, Tatsuo et al.
APPL. NO. 09/831,598 FILED: MAY 11, 2001
PAT. NO.:

DOCKET NO. CO20-4863 P

- ☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.53(d) (CPA)
☐ Filing Under 37 CFR 1.114(RCE)
☐ Specification Consisting of: _____ pages
☐ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
☒ Completion of Filing Requirements, PCT/DOCS/905
or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment:
☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
☐ Response
☐ Information Disc Stmt. PTO-1449(s) _____ rel(s)
☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal
FEES: _____
☐ Letter: _____
☐ Other: _____

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: July 11, 2001
Handcarry: _____

BOX PCT
PATENT
0020-4863P

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: NAKADA Tatsuo et al.
INTERNATIONAL APPL. NO.: PCT/JP99/06255
APPL. NO.: 09/831,598
Conf.: UNASSIGNED
FILED: May 11, 2001

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MAR 26 2002
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FOR:

AZEOTROPIC COMPOSITION OF
1,1,1,3,3-PENTAFLUOROPROPANE
AND 1,1,1-TRIFLUORO-3-CHLORO-
2-PROPENE, PROCESS OF
SEPARATION AND PURIFICATION
USING THE SAME, AND PROCESS
FOR PRODUCTION OF 1,1,1,3,3-
PENTAFLUOROPROPANE AND PROCESS
FOR PRODUCTION OF 1,1,1-
TRIFLUORO-3-CHLORO-2-PROPENE

LETTER SUBMITTING ADDITIONAL DOCUMENTS FOR
ENTERING NATIONAL PHASE FOR A PCT APPLICATION

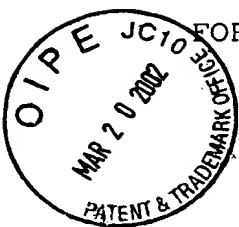
BOX PCT
Assistant Commissioner for Patents
Washington, DC 20231

June 6, 2001

Sir:

Under the provisions of 37 C.F.R. § 1.494 or 37 C.F.R. § 1.495, attached hereto are the following additional items necessary for entering the national phase in connection with the above-identified PCT international application.

- ☒ Executed Declaration and Power of Attorney.
- ☒ Original ☐ Photocopy
- ☐ The specification attached to the executed Declaration



and Power of Attorney is a true copy of the specification which was filed in the U.S. Patent and Trademark Office on May 11, 2001, including any amendments thereto (if applicable) filed on even date therewith.

☒ The undersigned hereby declares that "Attorney Docket No. 0020-4863P" on page 1 of the attached inventors' Declaration corresponds to Appl. No. 09/831,598 filed on May 11, 2001 entitled "AZEOTROPIC COMPOSITION OF 1,1,1,3,3-PENTAFLUOROPROPANE AND 1,1,1,-TRIFLUORO-3-CHLORO-2-PROPENE, PROCESS OF SEPARATION AND PURIFICATION USING THE SAME, AND PROCESS FOR PRODUCTION OF 1,1,1,3,3-PENTAFLUOROPROPANE AND PROCESS FOR PRODUCTION OF 1,1,1-TRIFLUORO-3-CHLORO-2-PROPENE."

- ☐ English language specification, claims, and Abstract with () sheets of drawings.
- ☐ Applicant claims small entity status under 37 C.F.R. § 1.27.
- ☐ Attached is a copy of Form PCT/DO/EO/905.
- ☐ _____

☒ No extension fee is required because the undersigned has not yet received the Notification of Missing Requirements (Form PCT/DO/EO/905). However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the

filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.

☐ Applicant(s) hereby respectfully petitions for () month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$0.00 is attached hereto.

The Government Filing Surcharge in the amount of \$130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 was previously paid for concurrently with the filing of the application on May 11, 2001.

- ☒ Submitted concurrently herewith **under separate cover** for recording is an Assignment.
- ☐ A check in the amount of \$0.00 to cover the above-mentioned fees is enclosed.
- ☐ A Fee of \$0.00 to cover the increase in fees of the filing Surcharge is enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Weikle, #32,868

ADM/cng
0020-4863P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 265-8000

Attachments

(Rev. 01/22/01)

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PATENT
000-48638
MAR 6 2002
TECH CENTER 1600/2330

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: Tatsuo NAKADA et al. Conf. No.:
SERIAL NO.: 09/831,598 GROUP: Unassigned
FILED: May 11, 2001 EXAMINER: Unassigned
FOR: AZEOTROPIC COMPOSITION OF 1,1,1,3,3-
PENTAFLUOROPROPANE AND 1,1,1-TRIFLUORO-3-CHLORO-2-
PROPENE PROCESS OF SEPARATION

**PETITION UNDER 37 C.F.R. 1.181 REQUESTING ACKNOWLEDGMENT
OF EARLIER DECLARATION FILING DATE**

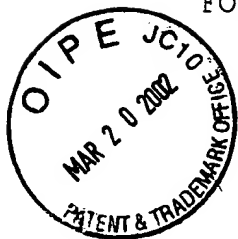
Honorable Commissioner of Patents
Washington, D.C. 20231

December 4, 2001

Sir:

This is a Petition under 37 C.F.R. § 1.181 requesting that the USPTO acknowledge that the Declaration/Power of Attorney form signed by the Inventors was filed on June 6, 2001.

A USPTO Communication dated November 2, 2001 (issued by Mr. Bryan Tung of the PCT Legal Office) (copy enclosed) states that upon the filing of a Petition under 37 C.F.R. § 1.181 submitting a copy of the stamped return postcard receipt for filing the Declaration/Power of Attorney form on June 6, 2001, the USPTO will reconsider changing the presently acknowledged filing date of the Declaration from July 17, 2001 to June 6, 2001. In accordance with this Communication, enclosed is a copy of the stamped return postcard receipt which indicates that along with the Letter filed June 6, 2001 (copy enclosed), the "Executed Declaration" was also filed. Therefore, it is requested that the USPTO issue an appropriate Communication confirming that the acknowledged filing



date of the Declaration will be changed in the official records to June 6, 2001.

If any additional questions arise concerning these matters, please contact Applicants' representative, Andrew D. Meikle, in the Washington Metropolitan area at the telephone number listed below.

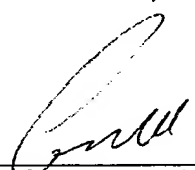
No fees are required for the filing of this Petition as noted at page 2 of the USPTO Communication dated November 2, 2001.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Andrew D. Meikle
Reg. No. 32,868

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

ADM/bsh
enclosures:

USPTO Communication of November 2, 2001
Letter filed June 6, 2001
Stamped postcard return receipt dated June 6, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

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DOCKETING

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Commissioner for Patents, Box 217
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

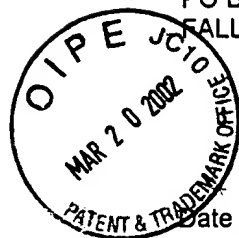
U.S. APPLICATION NUMBER NO. 09/831,598	FIRST NAMED APPLICANT Tatsuo Nakada	ATTY. DOCKET NO. 0020-4863P
INTERNATIONAL APPLICATION NO. PCT/JP99/06255		
IA. FILING DATE 11/10/1999	PRIORITY DATE	

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

CONFIRMATION NO. 5716
371 ACCEPTANCE LETTER



OC000000007297579



Date Mailed: 01/15/2002

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated Office (37 CFR 1.494), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

07/17/2001
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and
(c)(4) REQUIREMENTS

07/17/2001
DATE OF RECEIPT OF ALL 35 U.S.C.
REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** *The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363).* Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

DARRELL C COTTMAN

Telephone: (703) 305-3693

PART 1 - ATTORNEY/APPLICANT COPY

0020-4863P

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MAR 26 2002
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: TATSUO NAKADA et al

Serial No.: 09/831,598

Group No.:

Filed: JUNE 6, 2001

Examiner:

AZEOTROPIC COMPOSITION OF 1,1,1,3,3-PENTAFLUOROPAN AND
1,1,1-TRIFORO-3-CHLORO-2 PROPENE PROCESS OF SEPARATION

REQUEST FOR A CORRECTED NOTIFICATION OF ACCEPTANCE

Honorable Commissioner of Patents
Washington, D.C. 20231
and Trademarks

FEB 11 2002

Sir:

Attached hereto is the Notification of Acceptance in connection
with the above-identified application.

THE FOLLOWING CORRECTION(S) ARE RESPECTFULLY REQUESTED:

DATE OF RECEIPT OF ALL 35 U.S.C. 371 REQUIREMENTS --

Change From: "JULY 17, 2001"

To: --JUNE 6, 2001--

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS-

Change From: "JULY 17, 2001-

To: --JUNE 6, 2001--

It is respectfully requested that the United States Patent and
Trademark Office forward a new Notification of Acceptance to the
undersigned attorney showing the correction(s) as listed on the
enclosed photocopy of our Postcard.



09/831,598

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: 

Andrew D. Meikle
Reg. No. 32,868

P.O. Box 747
Falls Church, VA 22040-0747

Attachment
ADM/per
(703) 205-8000